

STAYED, TYPE I-FOIA

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-02825-TSC

GRAND STAIRCASE ESCALANTE PARTNERS et al v.
 DEPARTMENT OF THE INTERIOR et al

Assigned to: Judge Tanya S. Chutkan

Cases: 1:17-cv-02505-TJK
1:17-cv-02587-TSC
1:17-cv-02591-TSC
1:17-cv-02673-EGS
1:17-cv-02314-EGS
1:18-cv-00579-RBW

Cause: 05:552 Freedom of Information Act

Plaintiff

**GRAND STAIRCASE ESCALANTE
 PARTNERS**
on behalf of itself and its members

Date Filed: 12/28/2017
 Jury Demand: None
 Nature of Suit: 895 Freedom of
 Information Act
 Jurisdiction: U.S. Government Defendant

represented by **Gary S. Guzy**
 COVINGTON & BURLING LLP
 850 Tenth Street N.W.
 One City Center
 Washington, DC 20001
 (202) 662-5978
 Fax: (202) 778-5978
 Email: gguzy@cov.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John Mizerak
 COVINGTON & BURLING LLP
 One City Center
 850 Tenth Street NW
 Washington, DC 20001-4956
 (202) 662-5099
 Email: JMizerak@cov.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Shruti Chaganti Barker
 COVINGTON & BURLING LLP
 800 Tenth Street NW
 Washington, DC 20001
 (202) 662-5031
 Fax: (202) 778-5031
 Email: sbarker@cov.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Garett Robert Rose
 NATURAL RESOURCES DEFENSE
 COUNCIL
 1152 15th Street, NW
 Suite 300
 Washington, DC 20005
 (202) 717-8355
 Email: grose@nrdc.org
TERMINATED: 06/12/2018

Plaintiff

**SOCIETY OF VERTEBRATE
 PALEONTOLOGY**

represented by **Gary S. Guzy**
 (See above for address)

on behalf of itself and its members

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John Mizerak
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Shruti Chaganti Barker
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Garett Robert Rose
(See above for address)
TERMINATED: 06/12/2018

Plaintiff

**CONSERVATION LANDS
FOUNDATION**

represented by **Gary S. Guzy**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John Mizerak
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Shruti Chaganti Barker
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Garett Robert Rose
(See above for address)
TERMINATED: 06/12/2018

V.

Defendant

DEPARTMENT OF THE INTERIOR

represented by **Jeremy S. Simon**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2528
Fax: (202) 252-2599
Email: jeremy.simon@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**COUNCIL ON ENVIRONMENTAL
QUALITY**

represented by **Jeremy S. Simon**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**OFFICE OF MANAGEMENT AND
BUDGET**

represented by **Jeremy S. Simon**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/28/2017	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0090-5267305) filed by GRAND STAIRCASE ESCALANTE PARTNERS, CONSERVATION LANDS FOUNDATION, SOCIETY OF VERTEBRATE PALEONTOLOGY. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Exhibit Exhibit 3, # <u>4</u> Exhibit Exhibit 4, # <u>5</u> Exhibit Exhibit 5, # <u>6</u> Civil Cover Sheet Civil Cover Sheet, # <u>7</u> Summons DOI Summons, # <u>8</u> Summons CEQ Summons, # <u>9</u> Summons OMB Summons, # <u>10</u> Summons Civil Process Clerk Summons, # <u>11</u> Summons Sessions Summons)(Rose, Garett) (Entered: 12/28/2017)
12/28/2017	<u>2</u>	Corporate Disclosure Statement by CONSERVATION LANDS FOUNDATION, GRAND STAIRCASE ESCALANTE PARTNERS, SOCIETY OF VERTEBRATE PALEONTOLOGY. (Rose, Garett) (Entered: 12/28/2017)
12/28/2017	<u>3</u>	NOTICE OF RELATED CASE by All Plaintiffs. Case related to Case No. 17-2587, 17-2591. (Rose, Garett) (Entered: 12/28/2017)
12/28/2017	<u>4</u>	NOTICE of Appearance by Garett Robert Rose on behalf of All Plaintiffs (Rose, Garett) (Entered: 12/28/2017)
12/28/2017	<u>5</u>	NOTICE of Appearance by Gary S. Guzy on behalf of All Plaintiffs (Guzy, Gary) (Entered: 12/28/2017)
12/28/2017		Case Assigned to Judge Tanya S. Chutkan. (jd) (Entered: 01/03/2018)
01/03/2018	<u>6</u>	SUMMONS (5) Issued Electronically as to COUNCIL ON ENVIRONMENTAL QUALITY, DEPARTMENT OF THE INTERIOR, OFFICE OF MANAGEMENT AND BUDGET, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(jd) (Entered: 01/03/2018)
02/02/2018	<u>7</u>	NOTICE of Appearance by Jeremy S. Simon on behalf of COUNCIL ON ENVIRONMENTAL QUALITY, DEPARTMENT OF THE INTERIOR, OFFICE OF MANAGEMENT AND BUDGET (Simon, Jeremy) (Entered: 02/02/2018)
02/05/2018	<u>8</u>	Consent MOTION for Extension of Time to <i>Answer or Otherwise Respond to Complaint</i> by COUNCIL ON ENVIRONMENTAL QUALITY, DEPARTMENT OF THE INTERIOR, OFFICE OF MANAGEMENT AND BUDGET (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 02/05/2018)
02/06/2018		MINUTE ORDER: Granting <u>8</u> Consent Motion for Extension of Time to File Answer. The Defendants shall answer or otherwise respond to the complaint by March 7, 2018. Signed by Judge Tanya S. Chutkan on 2/6/18. (DJS) (Entered: 02/06/2018)
02/07/2018		Set/Reset Deadlines: Answer due by 3/7/2018. (tb) (Entered: 02/07/2018)
03/06/2018	<u>9</u>	ANSWER to Complaint by COUNCIL ON ENVIRONMENTAL QUALITY, DEPARTMENT OF THE INTERIOR, OFFICE OF MANAGEMENT AND BUDGET.(Simon, Jeremy) (Entered: 03/06/2018)
04/05/2018		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. The requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil procedure appear to be inapplicable. IT IS HEREBY ORDERED that the parties shall meet and confer and propose a schedule for proceeding in this matter. The schedule shall address the status of Plaintiffs' FOIA request, the anticipated number of documents responsive to Plaintiffs' FOIA request, the anticipated date(s) for release of the documents requested by Plaintiffs, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, whether and when either party anticipates filing a dispositive motion, and any other pertinent issues. The parties shall file a joint status report that addresses these issues and that contains a proposed schedule and proposed order not later than 5/7/18. Signed by Judge Tanya S. Chutkan on 4/5/18. (DJS) (Entered: 04/05/2018)
04/06/2018		Set/Reset Deadlines: Joint Status Report and Proposed Order due by 5/7/2018. (tb) (Entered: 04/06/2018)

05/07/2018	<u>10</u>	Joint STATUS REPORT and <i>Proposed Scheduling Orders</i> by CONSERVATION LANDS FOUNDATION, GRAND STAIRCASE ESCALANTE PARTNERS, SOCIETY OF VERTEBRATE PALEONTOLOGY. (Attachments: # <u>1</u> Text of Proposed Order Plaintiffs' Proposed Order, # <u>2</u> Text of Proposed Order Defendants' Proposed Order)(Rose, Garrett) (Entered: 05/07/2018)
05/08/2018		MINUTE ORDER: A Status Conference is hereby set for 5/22/18 at 11:30 am in Courtroom 9. Signed by Judge Tanya S. Chutkan on 5/8/18. (DJS) (Entered: 05/08/2018)
05/08/2018		Set/Reset Hearings: Status Conference set for 5/22/2018 at 11:30 AM in Courtroom 9 before Judge Tanya S. Chutkan. (tb) (Entered: 05/08/2018)
05/08/2018		NOTICE OF ERROR re <u>10</u> Status Report; emailed to grose@cov.com, cc'd 3 associated attorneys -- The PDF file you docketed contained errors: 1. Do not Refile. FYI for future filings, the electronic signature and signature on the document should match. (ztd,) (Entered: 05/08/2018)
05/09/2018	<u>11</u>	Consent MOTION to Continue <i>May 22 Status Conference</i> by COUNCIL ON ENVIRONMENTAL QUALITY, DEPARTMENT OF THE INTERIOR, OFFICE OF MANAGEMENT AND BUDGET (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 05/09/2018)
05/09/2018		MINUTE ORDER: Granting <u>11</u> Consent Motion to Continue. The Status Conference previously set for 5/22/18 is hereby rescheduled for 5/21/18 at 11:00 a.m. in Courtroom 9. Signed by Judge Tanya S. Chutkan on 5/9/18. (DJS) (Entered: 05/09/2018)
05/10/2018		Set/Reset Hearings: Status Conference reset for 5/21/2018 at 11:00 AM in Courtroom 9 before Judge Tanya S. Chutkan. (tb) (Entered: 05/10/2018)
05/15/2018	<u>12</u>	NOTICE of <i>Four Related Cases and Filing of Motion for Reassignment/Consolidation</i> by COUNCIL ON ENVIRONMENTAL QUALITY, DEPARTMENT OF THE INTERIOR, OFFICE OF MANAGEMENT AND BUDGET (Attachments: # <u>1</u> Notice and Motion)(Simon, Jeremy) (Entered: 05/15/2018)
05/16/2018		MINUTE ORDER: In light of the Notice of Related Case filed by the Defendants <u>12</u> and the motion to consolidated filed in Southern Utah Wilderness Alliance v. Dept of Interior, No. 17-cv-2314-EGS (D.D.C.), the Status Conference set for 5/21/18 is hereby VACATED. Within 5 days after Judge Sullivan issues a ruling on the motion to consolidate, if necessary, the parties shall file a joint notice in the present action that includes a proposed order for moving forward with this case. Signed by Judge Tanya S. Chutkan on 5/16/18. (DJS) (Entered: 05/16/2018)
05/29/2018	<u>13</u>	RESPONSE re <u>12</u> Notice (Other) <i>Plaintiffs' Objection to Related Case Designation</i> filed by CONSERVATION LANDS FOUNDATION, GRAND STAIRCASE ESCALANTE PARTNERS, SOCIETY OF VERTEBRATE PALEONTOLOGY. (Rose, Garrett) (Entered: 05/29/2018)
05/30/2018		NOTICE OF ERROR re <u>13</u> Response to Document; emailed to grose@cov.com, cc'd 3 associated attorneys -- The PDF file you docketed contained errors: 1. Do Not Refile. FYI for future filings, electronic filings must be made by the person who signs the document. (ztd,) (Entered: 05/30/2018)
06/05/2018	<u>14</u>	NOTICE <i>Regarding Plaintiffs' Objection to Defendants' Notice of Four Related Cases</i> by COUNCIL ON ENVIRONMENTAL QUALITY, DEPARTMENT OF THE INTERIOR, OFFICE OF MANAGEMENT AND BUDGET (Simon, Jeremy) (Entered: 06/05/2018)
06/12/2018	<u>15</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to CONSERVATION LANDS FOUNDATION, GRAND STAIRCASE ESCALANTE PARTNERS, SOCIETY OF VERTEBRATE PALEONTOLOGY. Attorney Garrett Robert Rose terminated. (Rose, Garrett) (Entered: 06/12/2018)
06/14/2018	<u>16</u>	NOTICE of Appearance by John Mizerak on behalf of All Plaintiffs (Mizerak, John) (Main Document 16 replaced on 6/20/2018) (ztd). (Entered: 06/14/2018)

06/27/2018	<u>17</u>	Joint STATUS REPORT <i>in light of denial of Motion to Consolidate</i> by CONSERVATION LANDS FOUNDATION, GRAND STAIRCASE ESCALANTE PARTNERS, SOCIETY OF VERTEBRATE PALEONTOLOGY. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Guzy, Gary) (Entered: 06/27/2018)
08/22/2018		MINUTE ORDER: A Status Conference is hereby set for 9/11/18 at 9:45 am in Courtroom 9. The parties shall file an updated joint status report by 9/6/18. Signed by Judge Tanya S. Chutkan on 8/22/18. (DJS) (Entered: 08/22/2018)
08/22/2018		Set/Reset Deadlines/Hearings: Joint Status Report due by 9/6/2018. Status Conference set for 9/11/2018 at 09:45 AM in Courtroom 9 before Judge Tanya S. Chutkan. (tb) (Entered: 08/22/2018)
09/06/2018	<u>18</u>	NOTICE of Appearance by Shruti Chaganti Barker on behalf of All Plaintiffs (Barker, Shruti) (Entered: 09/06/2018)
09/06/2018	<u>19</u>	Joint STATUS REPORT by CONSERVATION LANDS FOUNDATION, GRAND STAIRCASE ESCALANTE PARTNERS, SOCIETY OF VERTEBRATE PALEONTOLOGY. (Guzy, Gary) (Entered: 09/06/2018)
09/11/2018		Minute Entry for proceedings held before Judge Tanya S. Chutkan: Status Conference held on 9/11/2018. Written Scheduling Order to be issued by the Court. (Court Reporter: Bryan A. Wayne) (jth) (Entered: 09/11/2018)
09/11/2018	<u>20</u>	ORDER: The parties shall submit a joint status report within forty-five days from the date of this Order. See Order for more details. Signed by Judge Tanya S. Chutkan on 9/11/2018. (lctsc2). (Entered: 09/11/2018)
10/25/2018	<u>21</u>	Unopposed MOTION for Extension of Time to <i>Complete Search</i> by OFFICE OF MANAGEMENT AND BUDGET (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 10/25/2018)
10/26/2018	<u>22</u>	Joint STATUS REPORT by COUNCIL ON ENVIRONMENTAL QUALITY, DEPARTMENT OF THE INTERIOR, OFFICE OF MANAGEMENT AND BUDGET. (Simon, Jeremy) (Entered: 10/26/2018)
10/29/2018		MINUTE ORDER: Granting <u>21</u> Consent Motion for Extension of Deadlines. The Office of Management and Budget has until November 2, 2018 to complete its search. The parties shall file a joint status report and proposed order by 11/20/18. Signed by Judge Tanya S. Chutkan on 10/29/18. (DJS) (Entered: 10/29/2018)
10/30/2018		Set/Reset Deadlines: Search completion due by 11/2/2018. Joint Status Report due by 11/20/2018. (tb) (Entered: 10/30/2018)
11/19/2018	<u>23</u>	Consent MOTION for Extension of Time to <i>File Joint Status Report</i> by COUNCIL ON ENVIRONMENTAL QUALITY, DEPARTMENT OF THE INTERIOR, OFFICE OF MANAGEMENT AND BUDGET (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 11/19/2018)
11/19/2018		MINUTE ORDER: Granting <u>23</u> Consent Motion for Extension of Time to File Joint Status Report. The parties shall file a joint status report by 12/10/18, along with a proposed order. Signed by Judge Tanya S. Chutkan on 11/19/18. (DJS) (Entered: 11/19/2018)
12/10/2018	<u>24</u>	Joint STATUS REPORT by CONSERVATION LANDS FOUNDATION, GRAND STAIRCASE ESCALANTE PARTNERS, SOCIETY OF VERTEBRATE PALEONTOLOGY. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Text of Proposed Order)(Guzy, Gary) (Entered: 12/10/2018)
12/14/2018		MINUTE ORDER: A status conference is set for January 11, 2019 at 11:00 a.m., in Courtroom 9. The Government is ORDERED to bring in representatives from the Department of the Interior, the Council on Environmental Quality, and the Office of Management and Budget. The representatives shall be prepared to discuss the status of Plaintiffs' requests, the number of documents pending processing, and anticipated production dates. Further, the parties shall file an updated joint status report by January 4, 2019. Signed by Judge Tanya S. Chutkan on 12/14/2018. (lctsc1) (Entered: 12/14/2018)

12/18/2018		Set/Reset Deadlines/Hearings: Joint Status Report due by 1/4/2019. Status Conference set for 1/11/2019 at 11:00 AM in Courtroom 9 before Judge Tanya S. Chutkan. (tb) (Entered: 12/18/2018)
01/03/2019	<u>25</u>	Unopposed MOTION to Stay <i>in Light of Lapse of Appropriations</i> by COUNCIL ON ENVIRONMENTAL QUALITY, DEPARTMENT OF THE INTERIOR, OFFICE OF MANAGEMENT AND BUDGET (Simon, Jeremy) (Entered: 01/03/2019)
01/07/2019		MINUTE ORDER: Denying <u>25</u> Without Prejudice Motion to Stay for failure to comply with Local Civil Rule 7(c), which requires that "[e]ach motion... shall be accompanied by a proposed order." Signed by Judge Tanya S. Chutkan on 1/7/19. (DJS) (Entered: 01/07/2019)
01/08/2019	<u>26</u>	Unopposed MOTION to Stay (<i>renewed</i>) <i>in Light of Lapse in Appropriations</i> by COUNCIL ON ENVIRONMENTAL QUALITY, DEPARTMENT OF THE INTERIOR, OFFICE OF MANAGEMENT AND BUDGET (Simon, Jeremy) (Entered: 01/08/2019)
01/10/2019		MINUTE ORDER: Granting <u>26</u> Motion to Stay. The hearing set for 1/11/19 is hereby VACATED. All deadlines are hereby STAYED. Defendant's counsel shall notify the Court within five days after Congress has appropriated funds for the Justice Department. It is further ordered that all current deadlines for the parties shall be extended commensurate with the duration of the lapse in appropriations. Signed by Judge Tanya S. Chutkan on 1/10/19. (DJS) (Entered: 01/10/2019)
01/30/2019	<u>27</u>	NOTICE <i>of Restored Government Funding</i> by COUNCIL ON ENVIRONMENTAL QUALITY, DEPARTMENT OF THE INTERIOR, OFFICE OF MANAGEMENT AND BUDGET (Simon, Jeremy) (Entered: 01/30/2019)
02/07/2019	<u>28</u>	Joint STATUS REPORT by CONSERVATION LANDS FOUNDATION, GRAND STAIRCASE ESCALANTE PARTNERS, SOCIETY OF VERTEBRATE PALEONTOLOGY. (Attachments: # <u>1</u> Text of Proposed Order Plaintiffs' Proposed Order, # <u>2</u> Text of Proposed Order Defendants' Proposed Order)(Guzy, Gary) (Entered: 02/07/2019)
02/19/2019		MINUTE ORDER: Having considered the parties' notice <u>27</u> of restored government funding and joint status report <u>25</u> , the stay is hereby lifted and a status conference is set for March 12, 2019 at 11:15 a.m., in Courtroom 9. The Government is ORDERED to bring in representatives from the Department of the Interior, the Council on Environmental Quality, and the Office of Management and Budget. The representatives shall be prepared to discuss the status of Plaintiffs' requests, the number of documents pending processing, anticipated production dates, and Vaughn Index timing. Further, the parties shall file an updated joint status report on March 8, 2019. Signed by Judge Tanya S. Chutkan on 2/19/2019. (lctsc1) (Entered: 02/19/2019)
02/21/2019		Set/Reset Deadlines/Hearings: Joint Status Report due by 3/8/2019. Status Conference set for 3/12/2019 at 11:15 AM in Courtroom 9 before Judge Tanya S. Chutkan. (tb) (Entered: 02/21/2019)